UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

THE STATE OF TEXAS and	§	
KEN PAXTON, in his official capacity at	§	
Attorney General of Texas,		
Plaintiffs,	§	
	§	
V.	§	CIVIL ACTION No. 2:24-CV-237
MERRICK GARLAND, in his official	§	CIVIL ACTION NO. 2:24-CV-237
capacity as Attorney General of the United	§	
States; KRISTEN CLARKE, in her official capacity as Assistant Attorney General for	§	
the Civil Rights Division; XOCHITL	§	
HINOJOSA, in her official capacity as	§	
Director of the Office of Public Affairs of the Department of Justice;	§	
DEPARTMENT OF JUSTICE; ROB	§	
SHIVER, in his official capacity as Acting	§	
Director of the Office of Personnel Management, and OFFICE OF	§	
PERSONNEL MANAGEMENT,	§	
Defendants.	§	

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER OR IN THE ALTERNATIVE A REQUEST FOR STAY

Plaintiffs move for a temporary restraining order (Fed. R. Civ. P. 65), an administrative stay, or a statutory stay of agency action (5 U.S.C. § 705) against Defendants' monitoring voting in the Texas in the 2024 election and against specifically against staff from the Department of Justice and the Office of Personnel Management being present at voting locations and central count stations in the 2024 election. Texas law does not allow federal monitors to be present at those sites, and no federal law preempts Texas law.

If this TRO is not granted, Texas will be irreparably harmed before this case can be adjudicated on the merits.

Plaintiffs believe the Court can adjudicate the emergency motion without a hearing. But should this Court choose to hold a hearing on this Motion, Plaintiffs are available anytime via teleconference.

If the Court grants a TRO, Plaintiffs request that it remain in effect through Election Day.

In support of this Motion, Plaintiffs rely on the arguments in the accompanying Brief in Support of Motion for Temporary Restraining Order.

Date: November 4, 2024

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Respectfully submitted,

/s/Ryan G. Kercher

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